

Q. When did the term "exemptions" change to "special permits"?

A. The Hazardous Materials Safety and Security Reauthorization Action of 2005, signed August 10, 2005, amended the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) by revising certain terminology, definitions, and requirements. PHMSA incorporated these changes into its regulations (49 CFR Parts 105-107 and Parts 171-180) under Docket HM-240 (70 FR 73156), which was published as a final rule on December 9, 2005.

<http://hazmat.dot.gov/regs/rules/final/70fr/docs/70fr-73156.pdf>

Q. Will DOT immediately reissue all exemptions as special permits?

A. No. Current exemptions are valid until they expire, are terminated, or become due for renewal. As each exemption is revised either by renewal, adding a party, or modifying its terms, the exemption will be reissued as a special permit. We anticipate completion of this process in about 2 years.

Q. May I start using the "SP" marking on packages or shipping papers even though my authorization is still an exemption?

A. Yes. It is understood that the "E" and "SP" markings mean the same thing.

Q. What documentation do I need to use my special permit?

A. A special permit authorization consists of the special permit authorization letter issued to the grantee together with the special permit document itself.

Q. May I use a special permit indefinitely?

A. A new special permit may not exceed 2 years. Subsequent renewal applications may be granted for up to four years. A person requesting party status is authorized for no more than two years with a renewal cycle every four years thereafter. Existing exemptions that are converted to special permits with no change in the terms of the exemption will be granted for four years.

Q. May I continue to offer packages that are marked "DOT-E****" rather than "DOT-SP****"?

A. The final rule published under Docket HM-240 49 CFR 173.23 to authorize an exemption packaging that is permanently marked "DOT-E" prior to October 1, 2007, to continue in use with the "DOT-E" marking for the life of that exemption packaging, so long as the terms of the exemption or special permit remain valid.

Q. May I continue to use shipping papers with the notation "DOT-E****" rather than "DOT-SP****"?

A. Section 172.203 requires a shipping paper for a shipment made under a special permit to include the notation "DOT-SP" followed by the special permit number assigned. As an alternative, shipping papers for shipments made under an exemption or special permit issued prior to October 1, 2007, may include the notation "DOT-E" instead of "DOT-SP" followed by the number assigned. Thus, a

shipper may use either notation for shipments made under an exemption or special permit issued prior to October 1, 2007.

Q. Is it a violation to offer or transport packages where the package may be marked "DOT-E" and the shipping papers marked "DOT-SP" or visa versa?

A. No, there is no violation. The provisions in 49 CFR 172.203 and 173.23 allow for such transportation.